

REMARKS

Claims 1-23 are in the present application.

The Examiner has objected to Claims 3 – 4 and 10 – 13 under 37 CFR § 1.75 (c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. In order to advance prosecution and further clarify the present invention, Applicants have amended Claim 3 – 4 and 10 – 13. Accordingly, withdrawal of the present objection is respectfully requested.

Claims 1 – 13 and 18 – 23 have been rejected under 35 USC § 103(a) as allegedly rendered unpatentable by Nason. Claims 1 – 23 have been rejected under 35 USC § 103 as allegedly rendered unpatentable by Guirguis.

In order to further clarify the present invention and advance prosecution, Applicants have amended Claim 1. Claim 1 is now directed to a method for obtaining a liquid sample forming a monolayer of desired individual cells or particles for optical examination comprising: a) providing an apparatus comprising: a sample chamber comprising two containment walls, at least one of them being transparent for optical examination; at least one wall for holding said containment walls at a distance, and enclosing an interior space; a separation wall comprising at least a first type of separation channel that is of sufficient size and dimensions to allow desired cells to pass while excluding larger cells from passing, and a second type of separation channel, that is of sufficient size and dimensions to exclude desired cells and larger cells from passing while allowing the liquid component of the sample to pass freely, wherein the interior space of said sample chamber is divided into a first compartment and a second compartment by said separation wall, and whereby the distance between said containment walls in the second compartment in the chamber is sized so that individual desired cells or particles present in the sample will form a monolayer when the chamber is filled with the sample; a sample entrance into the first compartment; and a means for venting the sample chamber during filling; b) depositing

a liquid sample into the sample entrance of said sample chamber; c) allowing the sample to flow from the sample entrance into the first compartment; d) allowing the sample to advance to the separation wall and to the separation channels therein; e) allowing desired cells in the sample to pass through the first type of separation channels in the separation wall and allowing the liquid component of the sample to pass through the second type of separation channels in the separation wall; f) allowing the passed sample portion to continue to advance until it reaches and stops at the end of the sample chamber; and g) obtaining a liquid sample forming a monolayer of desired individual cells or particles

Claim 1 as amended now clearly specifies the action of the two types of channels in the apparatus provided in the method of the present invention. This is fully supported in the present specification. This is neither taught nor suggested by Nason.

With respect to the rejection under Guirguis, Applicants' method, as the title of the application indicates, generates a sample of decreased particle concentration **for optical examination**. In other words, practicing the method results immediately in a monolayer of cells that is ready and accessible for optical examination, e.g. under a microscope.

In order to use the apparatus according to Guirguis, after collecting cells inside the apparatus, many additional manual, time-consuming, and cumbersome steps are required until finally the collected cells are accessible for optical examination. This is stated clearly in col. 8, lines 18-27: *"The cytology collection apparatus10 may then be disconnected from collection cap 11 and, optionally, from syringe 64. It may then be unscrewed into two parts and the second detachable portion 42 and accompanying cell coated membrane 46a may be placed on a slide 120, as shown in FIG. 10, so that a transfer of the membrane 46b with the monolayer on surface 45 occurs. The membrane 46b is then pressed on the slide using a tissue wipe allowing cells 60 to form a monolayer on the slide 120. The membrane 46b can be removed from the slide leaving the cells 60 on the slide."*

Guirguis discloses an apparatus for collecting cells in the form of a monolayer, but the collection process results in an optically inaccessible layer inside a chamber, and attached to a solid substrate with an optically inhomogeneous porous surface. In

contrast, Applicants' method discloses a pathway to obtain, in one simple step, a monolayer of cells that is immediately accessible for optical examination. Applicants respectfully submit that it would not have been obvious to one skilled in the art to modify the collection apparatus according to Guirguis so that a monolayer of cells would have been optically accessible without applying additional process steps. Guirguis does not teach or suggest the claimed invention.

Accordingly, withdrawal of the present rejections is respectfully requested.

In view of the above Amendments and Remarks, the claims of the present application are believed to be in condition for allowance. Early notice thereof is respectfully requested by Applicants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B.S. Weintraub", with a large, stylized flourish extending from the end.

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